



PATENT APPLICATION  
Serial No. 09/623,122

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1773 :

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In re application of :

ISAO OMURA ET AL. :

WET-RESPONSIVE FIBERS, PROCESS  
FOR PRODUCING THE SAME,  
NONWOVEN FABRICS AND USES  
THEREOF

Serial No. 09/623,122 :

Filed August 25, 2000 :

Examiner – Lynda Salvatore :

Pittsburgh, Pennsylvania  
July 8, 2002

ELECTION WITH TRAVERSE AND AMENDMENT

Commissioner of Patents  
Washington, D.C. 20231

Sir:

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In response to the Office Action dated May 7, 2002, Applicants submit the following election and amendments along with a Petition for One-Month Extension of Time and requisite fee.

ELECTION WITH TRAVERSE

In the Office Action dated May 7, 2002, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

Group I, covering claims 1-9, drawn to wet responsive fiber;

Group II, covering claims 10-11, drawn to a process for making wet responsive fiber; and

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on July 8, 2002.

Diane Paull

(Name of Person Mailing Paper)

*Diane Paull*

Signature

07/08/2002

Date

Group III, covering claims 12-23, drawn to non-woven fabric.

Applicants hereby elect for examination and further prosecutions claims 1-9 of Group 1, drawn to wet responsive fiber. Applicants reserve the right to file at a later time a divisional application directed to the non-elected inventions of Groups II and III. Pursuant to 37 C.F.R. §1.48(b), there is no change in inventorship as a result of this Election.

Applicants respectfully traverse the restriction requirement. The Examiner has taken the position that the inventions of Group I (claims 1-9) drawn to a wet responsive fiber and Group II (claims 10-11) drawn to a process for making a wet responsive fiber are distinct because, in the Examiner's view: "the method as claimed can be employed to make a materially different product such as a polypropylene fiber."

The process for producing wet-responsive fibers as defined in method claims 10 and 11 calls for melting and kneading a resin composition comprising a resin having an anionic group and a resin having a cationic group followed by spinning. The Examiner has ignored the compositional limitations expressed in method claims 10 and 11 since polypropylene would not be made using such a resin composition. The process of claims 10 and 11 is used to make the wet responsive fiber of claims 1-9, while propylene on the other hand would have no response to water. Clearly, the process of claims 10 and 11 can be used only to make the product of claims 1-9.

Under these circumstances, restriction between Groups I and II is improper and claims 1-11 should be examined together.

Similarly, the non-woven fabric of Group III (claims 12-23) made from the wet responsive fiber of Group I and the process of Group II is related to all other groups by virtue of the common resin composition. A search directed to the resin composition of the fibers is necessary for all of the Groups I, II and III since that limitation is part of all of the claims 1-23. It is respectfully requested that the restriction requirement be withdrawn.